

AMENDED IN SENATE FEBRUARY 23, 2006

SENATE BILL

No. 1190

Introduced by Senator Alquist

January 19, 2006

An act to amend Sections 99230, 99231, 99232, 99233, 99234, 99234.5, 99235, 99237, ~~99239~~, 99240, and 99242 of, and to repeal Section 99241 of, the Education Code, relating to instructional programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 1190, as amended, Alquist. Instructional programs: Science, Mathematics, and Reading Teacher Development Program (SMART).

Existing law establishes the Mathematics and Reading Professional Development Program, which is administered by the Superintendent of Public Instruction with the approval of the State Board of Education. Under this program, a local education agency, as defined, receives incentive funding to provide training in mathematics and reading to teachers and to provide training to instructional aides and paraprofessionals, as defined, who directly assist with classroom instruction in mathematics and reading.

This bill would establish the Science, Mathematics, and Reading Teacher Development Program (SMART) by recasting and revising numerous provisions relating to the Mathematics and Reading Professional Development Program. The bill would generally add science instruction to the subject matter of the existing program. The bill would make the program inoperative on July 1, 2012, and repeal it on January 1, 2013.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 99230 of the Education Code is amended to read:

99230. This article shall be known and may be cited as the Science, Mathematics, and Reading Teacher Development Program (SMART).

SEC. 2. Section 99231 of the Education Code is amended to read:

99231. For the purposes of this article, the following terms have the following meanings:

(a) “Instructional aide” means a person who is employed on either a full-time or a part-time basis for the purpose of directly assisting with classroom instruction in mathematics, reading, or science in a California public school in which kindergarten or any of grades 1 to 12, inclusive, are taught, and who does not possess a valid teaching credential, certificate, authorization, or permit issued by the Commission on Teacher Credentialing and does not include a paraprofessional, as defined in subdivision (d).

(b) “Instructional materials that are aligned to state standards” means, for grades 1 to 8, inclusive, materials adopted by the state board after January 1, 2001, unless otherwise authorized by the state board. For grades 9 to 12, inclusive, “instructional materials that are aligned to state standards” means materials that the governing board of the local education agency has, after careful review, certified are aligned to the state reading, mathematics, or science content standards and the curriculum frameworks for these subjects.

(c) “Local education agency” means a school district, county office of education, state special school, or charter school.

(d) “Paraprofessional” means a teacher aide, a teacher assistant, or a speech language pathology assistant who is employed on either a full-time or a part-time basis for the purpose of directly assisting with classroom instruction in mathematics, reading, or science in a California public school in which kindergarten or any of grades 1 to 12, inclusive, are taught, and who does not possess a valid teaching credential, certificate, authorization, or permit issued by the Commission on Teacher Credentialing.

1 (e) “Teacher” means a person who holds a valid teaching
2 credential, certificate, authorization, or permit issued by the
3 California Commission on Teacher Credentialing, and is
4 employed on either a full-time or a part-time basis in a California
5 public school in which kindergarten or any of grades 1 to 12,
6 inclusive, are taught.

7 SEC. 3. Section 99232 of the Education Code is amended to
8 read:

9 99232. (a) The Science, Mathematics, and Reading Teacher
10 Development Program (SMART) is hereby established, and shall
11 be administered by the Superintendent of Public Instruction with
12 the approval of the state board.

13 (b) A local education agency that maintains kindergarten or
14 any of grades 1 to 12, inclusive, is eligible to apply for and
15 receive incentive funding from funds appropriated for the
16 purpose of this article.

17 (c) From funds appropriated for the purpose of this article, the
18 Superintendent of Public Instruction shall award funding to
19 provide teachers and instructional aides and paraprofessionals
20 who directly assist with classroom instruction in mathematics,
21 reading, or science with instruction and training in the areas of
22 mathematics, reading, or science.

23 SEC. 4. Section 99233 of the Education Code is amended to
24 read:

25 99233. (a) This program is intended to serve the following
26 categories of staff:

27 (1) Teachers employed in a public school for the purpose of
28 teaching in a self-contained classroom that serves pupils in
29 kindergarten or any of grades 1 to 8, inclusive. Teachers
30 described in this paragraph are eligible to receive instruction in
31 mathematics, reading, and science.

32 (2) Teachers employed in a public school for the purpose of
33 providing mathematics, reading, or science instruction to pupils
34 with disabilities. Teachers described in this paragraph are eligible
35 to receive instruction in both mathematics, reading, and science.

36 (3) Teachers who hold a single-subject teaching credential,
37 certificate, or authorization issued by the Commission on
38 Teacher Credentialing that authorizes them to teach English or
39 social science in a classroom that is not self-contained and who

1 are employed in a public school. Teachers described in this
2 paragraph are eligible to receive instruction in reading.

3 (4) Holders of one-year emergency teaching permits and
4 emergency career substitute teaching permits who are employed
5 in a public school and assigned to teach English or social science
6 courses in a classroom that is not self-contained. Teachers
7 described in this paragraph are eligible to receive instruction in
8 reading.

9 (5) Teachers who hold a single-subject teaching credential,
10 certificate, or authorization issued by the Commission on
11 Teacher Credentialing that authorizes them to teach mathematics
12 or science in a classroom that is not self-contained and who are
13 employed in a public school. Teachers described in this
14 paragraph are eligible to receive instruction in both mathematics
15 and science.

16 (6) Holders of one-year emergency teaching permits and
17 emergency career substitute teaching permits who are employed
18 in a public school and assigned to teach mathematics or science
19 courses in a classroom that is not self-contained. Teachers
20 described in this paragraph are eligible to receive instruction in
21 both mathematics and science.

22 (7) Instructional aides and paraprofessionals who directly
23 assist with classroom instruction in mathematics, reading, or
24 science who are employed in a public school for the purpose of
25 assisting teachers in the instruction of pupils in kindergarten or
26 any of grades 1 to 12, inclusive. Instructional aides and
27 paraprofessionals who directly assist with classroom instruction
28 in mathematics and reading described in this paragraph are
29 eligible to receive instruction in mathematics, reading, or science.

30 (b) Holders of emergency 30-day substitute teaching permits
31 issued by the California Commission on Teacher Credentialing
32 are not eligible to receive training offered pursuant to this article.

33 SEC. 5. Section 99234 of the Education Code is amended to
34 read:

35 99234. (a) (1) The Superintendent shall notify local
36 educational agencies that they are eligible to receive an incentive
37 award based on the percentage of eligible teachers calculated in
38 accordance with provisions of an item of appropriation in the
39 annual Budget Act. It is the intent of the Legislature that a local
40 educational agency give highest priority to training teachers

1 assigned to high-priority schools and teachers assigned to schools
2 that are under state sanctions.

3 (2) It is also the intent of the Legislature that funding
4 appropriated in one fiscal year that is not expended by a local
5 educational agency be redirected to local educational agencies
6 that have trained more eligible teachers than the percentage
7 funded. If a redirection of funding occurs, funding in subsequent
8 fiscal years for the local educational agencies involved shall be
9 adjusted to reflect the redirection of funding.

10 (b) A school district that cannot make the certification
11 required pursuant to paragraph (3) of subdivision (a) of Section
12 99237 for all the grade levels it maintains in reading,
13 mathematics, or science may apply for and receive incentive
14 funding for the grade levels and subjects for which it can make
15 the certification required pursuant to paragraph (3) of subdivision
16 (a) of Section 99237, in which case the certified assurance
17 submitted pursuant to Section 99237 applies only to the
18 professional development provided to teachers and instructional
19 aides and paraprofessionals who directly assist with classroom
20 instruction in mathematics, reading, or science in the grade levels
21 and subjects for which it can make the certification required
22 pursuant to paragraph (3) of subdivision (a) of Section 99237.

23 (c) Of the incentive provided pursuant to subdivision (a), a
24 local educational agency may use not more than one thousand
25 dollars (\$1,000) of the per teacher per subject amount to provide
26 an individual teacher stipend.

27 (d) The Superintendent shall notify local educational agencies
28 that the maximum funding for the purpose of this article for
29 which they are eligible each year is equal to the percentage
30 calculated in accordance with provisions of an item of
31 appropriation in the annual Budget Act, multiplied by the sum of
32 the following two factors multiplied by two thousand five
33 hundred dollars (\$2,500):

34 (1) Twice the number of multiple subjects teachers teaching in
35 a self-contained classroom and special education teachers, as
36 specified in paragraphs (1) and (2) of subdivision (a) of Section
37 99233, that provide direct instruction in reading, mathematics, or
38 science as reported in the most recent available CBEDS data,
39 who have not received training pursuant to either this article or
40 Article 2 (commencing with Section 99220).

(2) The number of mathematics, English, science, and social science teachers, as specified in paragraphs (3) to (6), inclusive, of subdivision (a) of Section 99233 that were reported in the most recent available CBEDS data, who have not received training pursuant to either this article or Article 2 (commencing with Section 99220).

(e) The Superintendent of Public Instruction shall allocate funding appropriated for the purposes of this article in the following order of priority:

(1) Two thousand five hundred dollars (\$2,500) for each qualifying teacher who was provided training pursuant to subdivision (a) in the prior year for whom the local educational agency did not receive funding due to insufficient availability of funds in the prior fiscal year.

(2) Two thousand five hundred dollars (\$2,500) for each qualifying teacher who was provided training pursuant to this article, subject to the limitations in subdivision (d).

(3) Two thousand five hundred dollars (\$2,500) for each qualifying teacher who was provided training pursuant to this article in excess of limitations in subdivision (d).

(f) Funding may not be provided to a local educational agency until the state board approves the certified assurance of the agency submitted pursuant to subdivision (a) of Section 99237.

(g) Of the funding a local educational agency is eligible to receive pursuant to this section for each eligible teacher, 50 percent shall be awarded following the provision of 40 hours of training based on instructional materials adopted by the state board or standards-aligned instructional materials, as specified in subdivision (b) of Section 99237, with the remaining funding to be awarded following certification of the provision of the 80 hours of followup instruction as specified in subdivision (b) of Section 99237. The 80 hours of training may be completed over a two-year period.

(h) A local educational agency may not receive funds pursuant to this article for teachers who receive training pursuant to Article 2 (commencing with Section 99220) using funding provided pursuant to that article.

SEC. 6. Section 99234.5 of the Education Code is amended to read:

1 99234.5. Prioritization for participation in the program
2 established pursuant to this article shall be determined in the
3 following manner:

4 (a) Teachers who have not participated in a professional
5 development institute in reading, mathematics, or science that is
6 authorized pursuant to Article 2 (commencing with Section
7 99220) shall be accorded first priority for training pursuant to
8 this article.

9 (b) Teachers who have participated in a professional
10 development institute in reading, mathematics, or science that is
11 authorized pursuant to Article 2 (commencing with Section
12 99220), but who have not yet received supplemental training in
13 the areas specified in paragraph (2) of subdivision (a) of Section
14 99237 shall be accorded second priority for training pursuant to
15 this article.

16 SEC. 7. Section 99235 of the Education Code is amended to
17 read:

18 99235. (a) The Superintendent of Public Instruction shall
19 notify local educational agencies that they are eligible to receive
20 funding to provide instructional aides and paraprofessionals who
21 directly assist with classroom instruction in mathematics,
22 reading, or science with professional development training in
23 mathematics, reading, or science, in an amount equal to one
24 thousand dollars (\$1,000) per qualifying instructional aide.
25 Funding will be provided to local educational agencies on a
26 first-come, first-served basis. A local educational agency that
27 chooses to participate in the program is eligible to receive
28 funding for no greater than the percentage calculated in
29 accordance with provisions of an item of appropriation in the
30 annual Budget Act for its instructional aides and
31 paraprofessionals.

32 (b) Of the incentive provided pursuant to subdivision (a), a
33 local educational agency may not use more than five hundred
34 dollars (\$500) of the amount per instructional aide and
35 paraprofessional who directly assists with classroom instruction
36 in mathematics, reading, or science, to provide an individual
37 instructional aide stipend.

38 SEC. 8. Section 99237 of the Education Code is amended to
39 read:

1 99237. (a) As a condition of receipt of funds for purposes of
2 Section 99234 or 99235, a local education agency shall submit a
3 certified assurance signed by the appropriate agency official and
4 approved in a public session by the governing body of the agency
5 to the state board that contains its proposal to satisfy the
6 following:

7 (1) It contracted with a provider whose training curriculum
8 was approved by the state board or the local education agency's
9 training curriculum was approved by the state board. Approval
10 by the state board of the training curriculum shall be based on the
11 criteria contained in paragraph (4) and in subdivision (b).

12 (2) It or the provider with whom it contracted provided
13 professional development training focused primarily on the
14 following:

15 (A) The use of instructional materials that will be used by
16 pupils and are aligned to the English-language arts, mathematics,
17 or science content standards adopted by the state board pursuant
18 to Section 60605.

19 (B) The English-language arts, mathematics, and science
20 content standards adopted by the state board pursuant to Section
21 60605.

22 (C) The curriculum frameworks adopted by the state board for
23 English-language arts, mathematics, and science.

24 (D) The training shall include instructional strategies to teach
25 essential content in ways that address the varied learning needs
26 of pupils, with special emphasis on English language learners
27 and pupils with disabilities.

28 (3) (A) It provides each pupil with instructional materials that
29 are aligned to the state content standards in English-language
30 arts, mathematics, and science no later than the first day of the
31 first school term that commences 12 months or less after those
32 materials are adopted by the state board in the case of
33 instructional materials for grades 1 to 8, inclusive, or by the
34 governing board of the school district in the case of instructional
35 materials for grades 9 to 12, inclusive.

36 (B) For local education agencies that are piloting or evaluating
37 instructional materials that are aligned to the state content
38 standards in English-language arts, mathematics, and science,
39 those materials shall be provided to each pupil no later than the
40 first day of the first school term that commences 24 months or

1 less after those materials were adopted by the state board in the
2 case of instructional materials for grades 1 to 8, inclusive, or by
3 the governing board of the school district in the case of
4 instructional materials for grades 9 to 12, inclusive.

5 (C) If a local education agency has not adopted instructional
6 materials as required by subparagraph (A) for one or more grade
7 levels because it is piloting or evaluating those instructional
8 materials, the local education agency may only claim funding
9 pursuant to Section 99234 for grade levels and subjects where the
10 local education agency is in compliance with subparagraphs (A)
11 and (B).

12 (D) For each teacher, in each core area for which funding is
13 claimed pursuant to this article and for which there are not
14 standards-aligned textbooks for each pupil, as determined
15 through an audit, the Superintendent, on a one-time basis, shall
16 withhold from the local education agency's next monthly
17 principal apportionment payment an amount equal to one
18 hundred dollars (\$100) for each of those pupils. The funds
19 withheld are deemed to be an offset against the training funds
20 provided pursuant to this article.

21 (4) It provides in-house professional development that focuses
22 primarily on the following:

23 (A) The use of instructional materials that will be used by
24 pupils and are aligned to the English-language arts, mathematics,
25 and science content standards adopted by the state board pursuant
26 to Section 60605.

27 (B) The English-language arts, mathematics, and science
28 content standards adopted by the state board pursuant to Section
29 60605.

30 (C) The curriculum frameworks adopted by the state board for
31 these subjects.

32 (D) The training shall include instructional strategies to teach
33 essential content in ways that address the varied learning needs
34 of pupils, with special emphasis on English language learners
35 and pupils with disabilities.

36 (5) It provides the data elements required pursuant to Section
37 99240.

38 (b) As an additional condition of receipt of funds for purposes
39 of Section 99234, a local education agency shall certify that:

1 (1) Forty hours of training based on instructional materials
2 adopted by the state board or standards-aligned instructional
3 materials and 80 hours of followup instruction, coaching, or
4 additional schoolsite assistance, in mathematics, reading, or
5 science, as appropriate, was provided to teachers who meet the
6 criteria specified in paragraphs (1) and (2) of subdivision (a) of
7 Section 99233.

8 (2) Forty hours of professional development in reading and an
9 average of 80 hours of followup instruction, coaching, or
10 additional schoolsite assistance was provided to teachers who
11 meet the criteria specified in paragraphs (3) and (4) of
12 subdivision (a) of Section 99233, and 40 hours of professional
13 development in mathematics and an average of 80 hours of
14 followup instruction, coaching, or additional schoolsite
15 assistance was provided to teachers who meet the criteria
16 specified in paragraphs (5) and (6) of subdivision (a) of Section
17 99233.

18 (c) If, as the result of a program audit, it is found that the
19 participating local education agency served—*less fewer*
20 participants than it was funded to serve, the Superintendent of
21 Public Instruction shall withhold from the local education
22 agency's next monthly principal apportionment payment an
23 amount proportional to the amount of funding associated with the
24 number of teachers that were not served.

25 (d) If, as the result of a program audit, it is found that the
26 training provided by the local education agency or the provider
27 with whom it contracted did not meet the requirements of
28 paragraph (4) of subdivision (a), the Superintendent of Public
29 Instruction shall withhold from the next monthly principal
30 apportionment payment to the local educational agency an
31 amount equal to the amount of funding associated with the
32 training that was not aligned to state standards and curriculum
33 frameworks.

34 (e) In addition to receiving funding pursuant to this article, a
35 school district, charter school, or county office of education may
36 also claim funding under ~~the~~ the professional development block
37 grant pursuant to subdivision (a) of Section 41531 for the 40
38 hours of training based on instructional materials adopted by the
39 state board or standards-aligned instructional materials or the 80
40 hours of follow-up instruction, coaching, or additional schoolsite

1 assistance required pursuant to subdivision (b) if the training
2 meets the requirements of Section 44579.5, as it read prior to
3 January 1, 2006.

4 (f) The state board shall establish a procedure and criteria for
5 local educational agencies to appeal to the board the findings of
6 an audit conducted pursuant to this article. The board may reduce
7 or eliminate the amount to be withheld pursuant to subdivision
8 (d) if the board determines that the local educational agency was
9 in substantial compliance with this section.

10 (g) It is the intent of the Legislature that audits referenced in
11 subdivisions (c) and (d) be conducted as part of a compliance
12 audit performed in accordance with Chapter 3 (commencing with
13 Section 14500) of Part 9 and Section 41020.

14 ~~SEC. 9. Section 99239 of the Education Code is amended to~~
15 ~~read:~~

16 ~~99239. (a) A local education agency or postsecondary~~
17 ~~institution that offers an accredited program of professional~~
18 ~~preparation may consider providing partial and proportional~~
19 ~~credit toward satisfaction of the course requirements to an~~
20 ~~enrolled candidate who satisfactorily completes a mathematics or~~
21 ~~reading professional development program as described in this~~
22 ~~article if the program has been certified by the Commission on~~
23 ~~Teacher Credentialing as meeting preparation standards.~~

24 ~~(b) A local education agency that offers an approved program~~
25 ~~of professional teacher induction may provide partial and~~
26 ~~proportional credit toward completion of the induction standards~~
27 ~~when this is applicable to an enrolled candidate who~~
28 ~~satisfactorily completes a mathematics or reading professional~~
29 ~~development program, as described in this article, for programs~~
30 ~~established pursuant to Article 4.5 (commencing with Section~~
31 ~~44279.1) of Chapter 2 of Part 25.~~

32 ~~(c) A local education agency may provide partial and~~
33 ~~proportional credit for participation or completion, or both, for a~~
34 ~~candidate enrolled, pursuant to Article 4.5 (commencing with~~
35 ~~Section 44279.1) of Chapter 2 of Part 25, in the components of a~~
36 ~~program that addresses the state academic content standards. This~~
37 ~~credit shall be counted toward the 80 hours of followup~~
38 ~~instruction, coaching, or additional schoolsite assistance~~
39 ~~specified in subdivision (b) of Section 99237.~~

1 ~~SEC. 10.~~

2 *SEC. 9.* Section 99240 of the Education Code is amended to
3 read:

4 99240. (a) By July 1, 2008, the department shall submit,
5 subject to review and approval by the state board, a report to the
6 Legislature regarding the program established pursuant to this
7 article for submission to the Legislature. The interim report shall,
8 at a minimum, detail all of the following:

9 (1) The number of teachers, by credential type, who have
10 received training offered pursuant to this article.

11 (2) The number of instructional aides and paraprofessionals
12 who directly assist with classroom instruction in mathematics,
13 reading, or science who have received training offered pursuant
14 to this article.

15 (3) The entities that have received funds for the purpose of
16 offering training pursuant to this article and the number of
17 teachers and instructional aides and paraprofessionals who
18 directly assist with classroom instruction in mathematics,
19 reading, or science, respectively, that each has trained.

20 (4) Information detailing the effectiveness of the program
21 established pursuant to this article. This information shall, at a
22 minimum, incorporate survey data concerning program
23 effectiveness and preprogram and postprogram pupil
24 achievement that has been gathered from program participants
25 and school principals.

26 (5) To the extent that information is available, information
27 detailing the retention rate, by credential type, of teachers who
28 participated in training offered pursuant to this article. The
29 information shall, at a minimum, incorporate sample data
30 concerning teachers who are no longer in the profession.

31 (6) To the extent that information is available, information
32 detailing the retention rate of instructional aides and
33 paraprofessionals who directly assist with classroom instruction
34 in mathematics or reading who participated in training offered
35 pursuant to this article. The information shall, at a minimum,
36 incorporate sample data concerning aides who are no longer in
37 the profession, as well as aides who have obtained a teaching
38 credential subsequent to the training.

39 (b) By June 30, 2005, the department shall submit, subject to
40 review and approval by the state board, a report to the

1 Legislature regarding the program established pursuant to this
2 article. The report shall, at a minimum, detail the following:

3 (1) The number of teachers, by credential type, who received
4 training offered pursuant to this article.

5 (2) The number of instructional aides and paraprofessionals
6 who directly assist with classroom instruction in mathematics or
7 reading, and who received training offered pursuant to this
8 article.

9 (3) The entities that received funds for the purpose of offering
10 training pursuant to this article and the number of teachers and
11 instructional aides and paraprofessionals who directly assist with
12 classroom instruction in mathematics or reading, respectively,
13 that each has trained.

14 (4) Information detailing the effectiveness of the program
15 established pursuant to this article. This information shall, at a
16 minimum, incorporate survey data concerning program
17 effectiveness that has been gathered from program participants
18 and school principals.

19 (5) To the extent information is available, information
20 detailing the retention rate, by credential type, of teachers who
21 participated in training offered pursuant to this article. The
22 information shall, at a minimum, incorporate sample data
23 concerning teachers who are no longer in the profession.

24 (6) To the extent information is available, information
25 detailing the retention rate of instructional aides and
26 paraprofessionals who directly assist with classroom instruction
27 in mathematics or reading, and who participated in training
28 offered pursuant to this article. The information shall, at a
29 minimum, incorporate sample data concerning aides who are no
30 longer in the profession, as well as aides who have obtained a
31 teacher credential subsequent to training.

32 (c) By December 31, 2012, the department shall submit,
33 subject to review and approval by the state board, a report to the
34 Legislature regarding the program established pursuant to this
35 article. The final report shall, at a minimum, detail all of the
36 following:

37 (1) The number of teachers, by credential type, who received
38 training offered pursuant to this article.

39 (2) The number of instructional aides and paraprofessionals
40 who directly assist with classroom instruction in mathematics,

1 reading, or science, and who receive training offered pursuant to
2 this article.

3 (3) The entities that received funds for the purpose of offering
4 training pursuant to this article and the number of teachers and
5 instructional aides and paraprofessionals who directly assist with
6 classroom instruction in mathematics, reading, or science,
7 respectively, that each has trained.

8 (4) Information detailing the effectiveness of the program
9 established pursuant to this article. This information shall, at a
10 minimum, incorporate survey data concerning program
11 effectiveness and preprogram and postprogram pupil
12 achievement that has been gathered from program participants
13 and school principals.

14 (5) To the extent that information is available, information
15 detailing, by credential type, the retention rate of teachers who
16 participated in training offered pursuant to this article. The
17 information shall, at a minimum, incorporate sample data
18 concerning teachers who are no longer in the profession.

19 (6) To the extent that information is available, information
20 detailing the retention rate of instructional aides and
21 paraprofessionals who directly assist with classroom instruction
22 in mathematics, reading, or science who participated in training
23 offered pursuant to this article. The information shall, at a
24 minimum, incorporate sample data concerning aides who are no
25 longer in the profession, as well as aides who have obtained a
26 teacher credential subsequent to receiving training.

27 ~~SEC. 11.~~

28 *SEC. 10.* Section 99241 of the Education Code is repealed.

29 ~~SEC. 12.~~

30 *SEC. 11.* Section 99242 of the Education Code is amended to
31 read:

32 99242. This article shall become inoperative on July 1, 2012,
33 and, as of January 1, 2013, is repealed, unless a later enacted
34 statute, that becomes operative on or before January 1, 2013,
35 deletes or extends the dates on which it becomes inoperative and
36 is repealed.